

SDMS DocID

2199453

**McCARTER  
& ENGLISH**  
ATTORNEYS AT LAW

**ORIGINAL**

April 18, 2012

**By Federal Express**

Mr. Kenneth I. Rose, III  
Financial Analyst (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Joe P. Yeager  
Associate  
T. 302.984.6391  
F. 302.691.2162  
jyeager@mccarter.com

**Re: Metro Container Superfund Site  
U.S. EPA Request for Information  
42 U.S.C. § 9601-9675**

Dear Mr. Rose:

McCarter & English, LLP  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, DE 19801-3717  
T. 302.984.6300  
F. 302.984.6399  
www.mccarter.com

This letter responds on behalf of Stauffer Management Company, LLC ("SMC"), indemnitor of Bayer CropScience (corporate successor to Stauffer Chemical Company) to the United States Environmental Protection Agency's ("USEPA") request for information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (42 U.S.C. § 9601 for this Site (the "104(e) Request"). The 104(e) Request seeks information relating to the presence or purported presence of hazardous substances, pollutants and contaminants at the Metro Container Superfund Site in Trainer, Delaware County, Pennsylvania ("Metro Container" or the "Site"). Stauffer Management Company received the information request on March 12, 2012.

BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA

STAMFORD

WILMINGTON

Preliminarily, SMC objects to the request as overly broad, unduly burdensome and beyond the statutory authority granted EPA under CERCLA Section 104 and RCRA Section 3007. Among other things, the requests seek information without regard to whether the information relates to the Site or to hazardous substances at the Site. Subject to those objections and without waiving the same, SMC responds to the specific requests for information as follows:

**Preliminary Statement**

Stauffer Management Company is willing to work with USEPA to provide it with information to the extent that it is relevant and reasonably obtained, subject to the following objections. (the "General Objections"):

A. Stauffer Management Company asserts all applicable privileges and protections it has with regard to USEPA's enumerated inquiries including the attorney-client privilege, the attorney work product doctrine, materials generated in

anticipation of litigation, and privileges for materials which are proprietary, company confidential, or trade secret. CERCLA does not require a party to divulge such information in response to information requests;

B. Stauffer Management Company objects to the requests on the grounds that the requests use undefined terms and are overbroad, vague, ambiguous, irrelevant and unduly burdensome so as to exceed statutory authority under CERCLA and contravene SMC's constitutional rights. In responding to these requests, SMC relies on the definition of these terms as they are commonly used (*i.e.*, their dictionary definitions);

C. Stauffer Management Company objects to the requests on the grounds that the requests are overbroad and unduly burdensome in that they seek information or documents regarding the Site either prior to or after SMC's ownership or occupancy of its former facility in Trainer, PA. As such, each of these requests exceeds USEPA's statutory authority under CERCLA and contravenes SMC's rights;

D. Stauffer Management Company objects to any requirement to produce documents or information already in the possession of a government agency, or already in the public domain. Such requirement is duplicative and, therefore, unduly burdensome;

E. Stauffer Management Company hereby disavows any obligation to supplement these responses on an ongoing basis. CERCLA Section 104(e)(2) authorizes USEPA to require submission of information upon reasonable notice. SMC conducted a review of available records that was practicable given the time period SMC had to respond to this request and has supplied information concerning the facilities which was found during that review. If more information is desired, SMC respectfully requests further reasonable notice that such information is desired;

F. Stauffer Management Company objects to the requests to the extent they call for SMC to make a legal conclusion concerning SMC's potential liability under CERCLA for the Site, which liability is not admitted but is expressly denied;

G. Stauffer Management Company objects to the requests to the extent they seek trade secrets or other confidential business information; and

H. Notwithstanding and without waiving these objections, and subject to them, SMC has prepared this response based upon the information available to it. Where the requests are considered vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of USEPA's authority pursuant to Section 104(e) of CERCLA, SMC is making appropriate and reasonable efforts to provide responsive information based on SMC's interpretation of the requests. To the

extent that information submitted herein is not required by law or is otherwise outside the scope of USEPA's 104(e) authority, that information is voluntarily submitted. Stauffer Management Company waives no rights or protection as to information it voluntarily submits.

## **RESPONSES**

Subject to the foregoing, Stauffer Management Company provides the following responses:

1. Provide a detailed corporate history of Bayer CropScience, L.P. ("Bayer CropScience"), and Stauffer Chemical Company. Your response should include, without limitation:

- a. The state and date of each company's incorporation;

**Answer:** To the extent this Request seeks corporate information about Bayer CropScience Inc., SMC specifically objects on the grounds the information is outside its knowledge and control. To the extent this Request seeks corporate information about Stauffer Chemical Company Inc ("SCC"), SMC responds that SCC was formed in 1885 as a California corporation and later reincorporated in Delaware in 1953. On December 3, 1987 SCC was acquired by Rhone Poulenc Inc. See also, Response to Request 1(b) herein.

- b. A description of any mergers, assets transfers, and name changes relating to either entity;

**Answer:** SCC was acquired by Rhone Poulenc Inc., on December 3, 1987. On July 27, 1998 Rhone Poulenc Inc., changed its name to Rhone Poulenc Ag Company Inc. On January 5, 2000, Rhone Poulenc Ag Company Inc., changed its name to Aventis CropScience USA Inc., which subsequently changed its name to Bayer CropScience Inc., on September 20, 2002. Stauffer Management Company LLC is a holding company responsible to maintain certain assets and certain environmental liabilities from the former SCC and by contract is indemnifying Bayer CropScience for this potential liability.

- c. A description of the transactions by which Bayer CropScience acquired Stauffer;

**Answer:** See Answer to Request 1(b) above.

- d. Complete copies of all documents related to items a - c, including, but not limited to a copy of the asset purchase, merger, or other

agreement whereby Bayer CropScience acquired Stauffer Chemical Company.

**Answer:** Stauffer Management Company, LLC specifically objects to subpart (d) of Request No. 1 on the grounds that it seeks information that is irrelevant, overbroad, and unduly burdensome. Subject to and without waiving the foregoing objections or the General Objections, SMC responds to this Request by stating that the information sought is available to the USEPA through its own records and other public agency records, such as SEC filings and Delaware Secretary of State records.

2. EPA contends that Stauffer's liability under CERCLA § 107 with respect to the Metro Container Site passed to Bayer CropScience as a result of the aforementioned mergers. If you believe otherwise, please explain why and provide all documents supporting your position.

**Answer:** To the extent SCC, SMC or Bayer CropScience Inc. have any liability for this Site, and such liability is connected to SCC's former ownership of a manufacturing plant in Trainer, PA, which liability is not admitted but is expressly denied, such liability would constitute a contractually indemnified liability pursuant to a Purchase and Sale Agreement of September 2, 1987 between ICI PLC and Rhone Poulenc Inc.

3. Confirm Stauffer's past ownership of the Metro Property. In addition, provide:
  - a. The dates during which Stauffer owned the Metro Property;

**Answer:** Based upon information located for purposes of responding to this Request, it is believed SCC operated a carbon disulfide manufacturing plant at Trainer from sometime in the 1920's until it sold the facility in or about 1962. A description of such property is provided in the deed attached to this Response as Exhibit A. See also, Response to Request 4(f).

- b. Complete copies of all deeds and other documents related to Stauffer's ownership of the Metro Property.

**Answer:** Attached to this Response is a copy of SCC's deed conveying its interest in the Trainer, PA property to Joseph A. Ries Co. in 1962. See Exhibit A. SMC has not located any additional documents related to SCC's ownership of the Site.

4. For each separate business entity that conducted business operations on the Metro Property during the time Stauffer owned the Metro Property:
  - a. State the full name of such entity;

**Answer:** For the years SCC owned the Trainer, PA facility no documents or information were discovered that suggest any other entity, other than SCC, simultaneously conducted business at the Trainer facility.

- b. State whether the entity was a sole proprietorship, general partnership, limited partnership, Limited Liability Company, or corporation, and provide copies of all partnership agreements, articles of incorporation, and other documents related to the formation and current status of the entity;

**Answer:** SCC Inc was a Delaware corporation at the time of its acquisition by Rhone Poulenc Inc., on December 3, 1987. See also, Response to Requests 1(a) and 1(b).

- c. Identify each parent company, subsidiary, and other affiliated entities;

**Answer:** SMC specifically objects to subpart (c) of Request No. 4 on the grounds it seeks information that is irrelevant, overbroad, and unduly burdensome. See also, Responses to Requests 1(a) and 1(b) herein.

- d. Identify the name and last known address of each officer and director of the entity during the time Stauffer owned and operated the Metro Property;

**Answer:** SMC specifically objects to subpart (d) of Request No. 4 on the grounds it seeks information that is irrelevant, overbroad, vague, and unduly burdensome. Subject to and without waiving the foregoing objections or the General Objections, SMC responds to this Request by stating that some of the information sought, and to the extent it concerns the entity SCC, is already available to the USEPA through its own records and other public agency records, such as SEC filings and Delaware Secretary of State records. Regarding the former manufacturing plant in Trainer, PA, SMC states it has no knowledge of the management of such plant, except as disclosed elsewhere in Response to Request 4.

- e. Identify when such entity commenced operations at this location;

**Answer:** See Answer to Request 3 (a) above.

- f. Identify the nature of the business operated at this location during the time Stauffer owned and operated the Metro Property, including any manufacturing/processing activities;

**Answer:** From approximately 1920 until 1962 SCC operated a carbon

disulfide plant at Trainer. In approximately 1949, operations were expanded to include sodium hydrosulfide production.

g. For each manufacturing/processing activity identified in response 4(f), above:

1. Identify the raw materials used

**Answer:** SMC's investigation revealed that the plant may have used raw materials in the form of carbon (charcoal or coke) and sulfur in its production of carbon disulfide, and hydrogen sulfide scrubbed with caustic soda to produce sodium hydrosulfide.

2. Identify and describe the process(es) used

**Answer:** SMC's investigation revealed that the plant may have produced carbon disulfide in cast iron retorts by the reaction of sulfur and carbon at an elevated temperature. Documents suggest the reaction may have taken place in a 4'x12' cast iron vessel located inside a furnace. Preheated carbon was charged into the top of the vessel and liquid sulfur in the bottom of the vessel was vaporized. The sodium hydrosulfide process was produced by scrubbing production units containing hydrogen sulfide with caustic soda.

3. Identify the waste streams generated

**Answer:** SMC responds that documents suggest that used retorts from carbon disulfide production were sent off-site as scrap metal. Documents suggest on-site disposal of washed filter cake may have been contained in a settling pond that was dredged prior to closing of the facility in 1962.

4. Describe the waste disposal practices for each waste stream. Your response should include a description of how each waste stream was stored prior to disposal, the disposal method, the entity or person that transported each waste stream for disposal, and the name of the disposal location for each such waste stream.

**Answer:** See Answer to Request 4 (g)(3) above.

5. Identify all locations within the Metro Property where wastes were buried, burned, or otherwise disposed of.

**Answer:** SMC conducted a reasonable search and examination of all records in its possession, custody, and control and found no documents responsive to this Request.

- h. Identify all persons employed by such entity during the time Stauffer owned and operated the Metro Property who may have personal knowledge of:
1. The business's operations, and
  2. The business's waste disposal practices
- For each person identified, state the entity that employed such person, the person's job title, dates of employment, and last known address and telephone number.

**Answer:** Documents indicate that Mr. A.L. DeVries participated in the plant's operation as plant superintendent in 1948 and 1949. Mr. DeVries's last known address is unknown. Mr. Sid Hansen was the plant superintendent for the facility from 1955-1960. SMC conducted a reasonable search and Mr. Hansen's last known address is unknown. SMC conducted a reasonable search and examination of records in its possession, custody, and control and identified no other information responsive to this Request.

- i. State whether there were any spills or releases of any chemical, hazardous substance, and/or hazardous waste and/or non-hazardous solid waste containing hazardous substances during the time Stauffer owned and operated the Metro Property. For each such spill or release:
1. Identify the date(s) the spill/release occurred;
  2. Identify the location(s) at which the spill/release occurred;
  3. Identify the composition (i.e. chemical analysis) of the materials which were spilled/released; and,
  4. Describe the response taken by the entity with respect to the spill/release.

**Answer:** SMC conducted a reasonable search and examination of all records in its possession and control and found no documents pertaining to any spills or releases of hazardous substances, wastes, and / or industrial wastes at the former SCC facility.

- j. Provide a copy of all documents which refer or relate to the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the time Stauffer owned and operated the Metro Property.

**Answer:** SMC conducted a reasonable search and examination of all records in its possession and control and found no documents pertaining to the handling, storage, treatment, generation, transportation, recycling, formulation or disposal of any hazardous substances, wastes, and / or industrial wastes at the former SCC facility.

k. State whether the entity or its employees, agents, or representatives had discussions regarding environmental conditions at the Metro Property with any local, State, or Federal agency, with former or subsequent owners of such property, or with any other party(-ies). For each such discussion:

1. Identify the parties to such discussion
2. Identify the date of such discussion
3. Describe the content of such discussion
4. Provide a copy of all documents which relate or refer to such discussion

**Answer:** Documents indicate that USEPA issued a Request for Information to SCC dated November 17, 1988. See Exhibit B. SCC responded on November 30, 1988. See Exhibit C. The correspondence indicates the nature of SCC's ownership and operations of the Site were discussed.

5. Provide the name, title, address, and telephone number of the person answering these questions on Bayer CropScience's behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.

**Answer:** The person[s] who prepared or worked on the preparation of this response on behalf of Stauffer Management Company LLC include the following individual(s):

Joe P. Yeager, Esq.,  
McCarter & English, LLP,  
405 N. King Street, 8<sup>th</sup> Floor,  
Wilmington, DE 19801  
(302) 984-6391  
Attorney for Stauffer Management Company

6. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

a. Your document retention policy;



**Answer:** SCC ceased operations at this Site in 1962 upon sale and transfer of the facility. SMC conducted a reasonable search and examination of all records in its possession and control and found no documents responsive to this Request.

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.);

**Answer:** See Answer to Request 6 (a) above.

- c. The approximate date of destruction;

**Answer:** See Answer to Request 6 (a) above.

- d. A description of information that would have been contained in the documents; and,

**Answer:** See Answer to Request 6 (a) above.

- e. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

**Answer:** SCC ceased operations at this Site in 1962 upon sale and transfer of the facility. SMC conducted a reasonable search and examination of all records in its possession and control and found no documents responsive to this Request.

7. If you have any information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.


**Answer:** SMC is not aware of any such persons or additional information at this time.

**CERTIFICATION OF ANSWERS TO REQUEST FOR  
INFORMATION METRO CONTAINER SUPERFUND SITE**

State of Delaware

County of New Castle:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information ) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.



Joe P. Yeager, Esq

McCarter & English LLP

cc: Charles N. Elmendorf  
A. Richard Winchester

# Exhibit A

**THIS INVENTURE,** Made the 20th day of December in the year of our Lord one thousand nine hundred and sixty-two (1962) BETWEEN Stauffer Chemical Company, a corporation organized and existing under the laws of the State of Delaware (hereinafter called the Grantor) of the one part,

A M D Joseph A. RIES CO., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter called the Grantee),

of the other part Witnesseth. That the said Grantor

for and in consideration of the sum of one Dollar in

lawful money of the United States of America, unto it well and truly paid by the said Grantee

at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors,

60, 50, 10, 24

and Assigns.

AND THOSE TWO CERTAIN Tracts or pieces of land Situate in the Borough of Trainer, County, of Delaware, State of Pennsylvania and partly described according to a plan of property of Stauffer Chemical Co., said plan made by G.D. Houtman and Son, Civil Engineers and Land Surveyors, said plan not signed, dated November 15, 1962 as follows, to wit:

**ONE THEREOF:**

BEGINNING at a point formed by the intersection of the intersection of the Southeastern side of Third Street (60 feet wide) and the Southwestern side of Johnson Street (60 feet wide); thence extending from said point of beginning South 34 degrees 11 minutes 26 seconds east along the said side of Johnson Street 96.75 feet to a point on the Southeastern side of Mary Street (30 feet wide); thence extending North 55 degrees 48 minutes 34 seconds east along the said side of Mary Street 360.00 feet to a point on the Southwestern side of Price Street (40 feet wide); thence extending South 34 degrees 11 minutes 26 seconds east along the said side of Price Street 615.25 feet to a point on the Northwestern side of Front Street (60 feet wide); thence extending South 55 degrees 48 minutes 34 seconds west along the said side of Front Street 679.50 feet more or less to a point in the bed of Stony Creek; thence extending in a general Northerly direction through the bed of Stony Creek 825.00 feet, more or less to a point on the Southeastern side of Third Street aforesaid; thence extending North 55 degrees 48 minutes 34 seconds east along the Southeastern side of Third Street, 50.00 feet, more or less, to the first mentioned point of intersection and plane of beginning.

CONTAINING in area 8.16 acres, more or less.

**AND THE OTHER ONE THEREOF:**

BEGINNING at a point formed by the intersection of the Northeastern side of Price Street (60 feet wide) and the Northwestern side of Front Street (60 feet wide); thence extending from said point of beginning North 34 degrees 11 minutes 26 seconds west along the said side of Price Street 326.00 feet to a point on the Southeastern side of Second Street (60 feet wide); thence extending North 55 degrees 48 minutes 34 seconds east along the said side of Second Street 300.00 feet to a point on the Southeastern side of Wilcox Street (60 feet wide); thence extending South 34 degrees 11 minutes 26 seconds east along the said side of Wilcox Street 326.00 feet to a point on the Northwestern side of Front Street aforesaid; thence extending South 55 degrees 48 minutes 34 seconds west along the said side of Front Street 300.00 feet to the first mentioned point of intersection and plane of beginning.

CONTAINING an area

1922 and recorded in Delaware County, in Deed Book 493 page 264 conveyed unto Stauffer Chemical Co.

BEING AS to another part, the same premises which Gertrude Howard, Trustee, by Deed dated May 20th, 1936 and recorded in Delaware County, in Deed Book 793 page 228 granted and conveyed unto Stauffer Chemical Company.

BEING AS TO another part, the same premises which Albert Walter, etux, by Deed dated August 12th, 1933, and recorded in Delaware County, in Deed Book 969 page 148 granted and conveyed unto The Stauffer Chemical Company( a California Corp.)

BEING AS to another part, the same premises which Mina Walter, etal by Deed dated January 15th, 1960 and recorded in Delaware County, in Deed Book 1998 page 240 granted and conveyed unto Stauffer Chemical Company.

BEING AS TO Remaining part, the same premises which Samuel Morrow, etux, by Deed dated February 17th, 1932 and recorded in Delaware County, in Deed Book 629 page 320, granted and conveyed unto Stauffer Chemical Company.

AND The Stauffer Chemical Company( a California Corp.) has since merged and become known as ~~The~~ Stauffer Chemical Company( A Delaware Corp.).

AND BY ORDINANCE #299 of Borough of Trainer adopted by Council of said Borough on March 10th, 1960 part of the bed of Johnson Street, Mary Street, Second Street, and Planagan Street, were vacated.

Together with all and singular **buildings and improvements**

Ways, Waters, Water-Courses, Rights, Liberties, Privileges, Hereditaments and Appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the Reversions, Remainders, Rents, Issues and Profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of **it the said Grantor**

in law, equity

or otherwise howsoever, of, in and to the same and every part thereof.

To have and to hold the said **two certain tracts or pieces of land**

Hereditaments and Premises hereby granted or mentioned and intended so to be,

With the Appurtenances,

unto the said **Grantee, its**

**Successors**

~~that~~ and Assigns, to and for the only proper use and behoof of the said **Grantee, its successors**

~~that~~ and Assigns forever.

Value of premises as defined by ordinance is  
\$120,000.00 and tax paid on such value.

Commonwealth Land Title Insurance Company

And the said Grantor, for itself, its successors

~~These presents, covenant, grant and agree to and with the said~~ ~~Grantee, its successors and assigns, that it~~  
these presents, covenant, grant and agree to and with the said Grantee, its successors

~~the said Grantee, its successors~~  
all and singular the  
Hereditaments and Premises herein above described and granted, or mentioned and intended so to be, with the Appurtenances, unto the  
said Grantee, its successors

Grantee, its successors, Heirs and Assigns, against it the said  
and against all and every other Person or Person whomsoever

ever lawfully claiming or to claim the same or any part thereof, by, from or under it, them, or any of them,

shall and will

WARRANT and forever DEFEND.

In Witness Whereof, the said Stauffer Chemical Company has hereunto caused to be affixed its common  
or corporate seal, duly attested. Dated the day and date first above written.

SEALED AND DELIVERED  
IN THE PRESENCE OF US:

Arthur G. Tebbens

Frederick A. *[Signature]*

U.S. :  
\$13200 :  
Stamps :  
..... :  
Commonwealth :  
\$12.00000 :  
Penna. Stamps :  
..... :

Stauffer Chemical Company(Seal)

BY: Hans Stauffer  
President

Attest: I.C. MacDougall  
Assistant Secretary

Received --

On the 20th day of December Anno Domini 1962, before me, the subscriber, a Notary  
Public in and for the State of New York personally appeared I.C. Mac Dougall, Assistant  
Secretary of the Said Stauffer Chemical Company, who being duly sworn according to law,  
says that he was personally present at the execution of the above Indenture, and saw the  
Common or corporate seal of the said Corporation duly affixed thereto; that the seal so  
affixed thereto is the common or corporate seal of the said Corporation; that the said  
Indenture was duly sealed and delivered by Hans Stauffer as President of the said  
Corporation, as and for the act and deed of the said Corporation, for the uses and  
purposes therein mentioned, and that the names of this deponent as Assistant Secretary and  
of Hans Stauffer as President of the said Corporation, subscribed to the above Indenture  
in attestation of its due execution and delivery, are of their and each of their  
respective handwritings.

Sworn and subscribed before me, the day and year )  
aforesaid. Witness my hand and notarial seal. )  
Arthur G. Tebbens (Seal) )  
Notary Public )  
State of New York No. 31-3944775 )  
Qualified in New York County )  
Cert. filed in Westchester County )  
Commission expires March 30, 1963 )

I.C. Mac Dougall

The address of the within-named Grantee is  
2nd & Price St. Trainer, Pa.

By *[Signature]* of the Grantee

I, JAMES J. WARD, Recorder of Deeds in  
and for the County of Delaware and State  
of Pennsylvania, do hereby certify that this  
is a true and correct copy as full and entire  
as appears on the Record of this Office in

Deed Book 2047 Page 229.

WITNESS my hand and seal this

24 day of Feb A.D. 1989

James J. Ward  
Recorder of Deeds



# Exhibit B





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

750 200  
NOV 17 1988

In Reply Refer To: 3HW14

Stauffer Chemical Co.  
c/o Samuel Malovrh  
Law Department, General Section  
ICI Americas, Inc.  
Wilmington, DE 19897

Re: Metro Container Site

Dear Mr. Malovrh:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of a release, of hazardous substances into the environment. Pursuant to the authority of Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), you are requested to furnish all information and documents in your possession, custody or control or in the possession, custody or control of any of Stauffer Chemical Co.; ICI Americas, Inc.; Stauffer Management Co.; or ICI American Holdings Inc.'s officers, employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), which were transported to, or stored, or disposed of at property located at 2nd and Price Streets in Trainor, PA, which was owned by Stauffer Chemical Co. prior to 1962 and is presently occupied by Metro Container Corp. (the Site).

All information and documents requested are due to the address listed below within ten (10) calendar days of receipt of this letter. Your failure to respond or to adequately justify your lack of response is a violation of law and may subject you or your company to further action by this Agency including the imposition of penalties.

9/29/89 cc: Mel Beers

The response should include, but not be limited to, information and documentation concerning:

1. The types and quantities of the hazardous substances sent to the Site;
2. the date(s) such substances were sent to the Site;
3. the types and quantities of hazardous substances treated, stored, generated, or disposed of at the Site;
4. the date(s) such substances were treated, stored, generated, or disposed of at the Site;
5. the state (i.e., liquid, solid, or gaseous) of the substances sent to or treated, stored, generated, or disposed of at the Site, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
4. any correspondence between Stauffer Chemical Co. or related companies and any regulatory agencies regarding such substances;
5. any correspondence between Stauffer Chemical Co. or related companies and any third party regarding such substances;
6. the identity of, and documents relating to, any other person who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal, or transportation of such substances to the Site; and
7. copies of any deeds, rights-of-way, leases, or other real interests which Stauffer Chemical Co. or related companies have or had in the Site.

In addition to the above information, if your company is privately insured against releases of hazardous wastes or substances as a result of the handling of such materials, please inform us of the existence of such insurance and provide us with copies of all insurance policies.

As used herein, the term "documents" means writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or diary entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price

lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

You are entitled to assert a claim of business confidentiality covering all or part of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

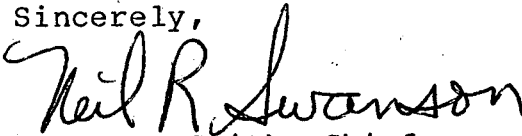
Please send the required information to:

Lawrence Falkin  
U.S. Environmental Protection Agency, Region III  
Office of Regional Counsel (3RC22)  
841 Chestnut Building, 8th Floor  
Philadelphia, PA 19107

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

If you have any questions concerning this matter, please contact Mr. Falkin at (215) 597-8981.

Sincerely,

*for*   
Bruce P. Smith, Chief

Hazardous Waste Enforcement Branch

# Exhibit C



November 30, 1988

CERTIFIED MAIL

Mr. Lawrence Falkin  
United States Environmental  
Protection Agency, Region III  
Office of Regional Counsel (3RC22)  
841 Chestnut Bldg., 8th Floor  
Philadelphia, PA 19107

Re: Metro Container Site

Dear Mr. Falkin

This is in response to your November 17, 1988 letter to me wherein you requested information regarding the above. You have indicated both in the November 17 letter as well as in our prior conversation that this site was owned by Stauffer Chemical Company prior to 1962. This is to advise that we have examined all the records in our possession, custody or control which might pertain to the site and have found no information or documents which relate to this site. We have also contacted Stauffer employees whom we felt may have some information regarding the nature or existence of this site. Once again, such efforts resulted in no one being able to recall the existence of such a site in Trainor, Pennsylvania.

As a result of all the above, we must advise that neither ICI Americas nor Stauffer Chemical Company, Stauffer Management Company or ICI American Holdings, Inc. is able to furnish you with any information or documents relating to the Metro Container Corporation Site.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Samuel E. Malovrh', is written over a horizontal line.

Samuel E. Malovrh  
Environmental Counsel

SEM/taw

113088TAW307

**ICI Americas Inc.**

Law Department

General Section

Wilmington

Delaware 19897

Telephone (302) 575-3000

Fax (302) 575-2952